

CIRCUIT COURT OF GRAYSON COUNTY, VIRGINIA

TIMOTHY M. BARRETT

Petitioner

v.

COMMONWEALTH OF VIRGINIA,
et al.

Respondents

)
)
)
)
) Case No. CJ 09-03
)
)
)
)
)

ORDER

On Ms. Minor's motion to disburse the \$10,715 in bond money remaining from the appeal of the 2010 Order, the Court finds the following:

1. This Court has actual jurisdiction to rule on the disposition of the \$10,715 held by the Clerk, that was originally deposited to secure the combined bond for the appeal of the 2010 Order on child support entered in this case.
2. The Bankruptcy Court has granted the parties leave from the automatic stay to obtain a ruling from this Court as a matter of Virginia law on the property rights in the money held by the Clerk. Nothing in this Order is intended to address matters beyond those for which relief from stay has been granted.
3. As a matter of Virginia law, neither Ms. Minor nor Mr. Barrett has a current property interest in the \$10,715 held by the Clerk. Mr. Barrett has only a reversionary interest in the bond money, subject to divestment depending the outcome of the appeal of the 2018 Order on child support.

4. In accordance with Virginia law, the Clerk shall retain possession and control of the \$10,715 as part of the \$105,206.12 set by this Court as the amount necessary to secure Mr. Barrett's suspension bonds for his appeal of the 2018 Order on child support entered in this case, subject to the terms of the bonds and Va. Code § 8.01-676.1.

Based on the foregoing, it is hereby ORDERED that the Motion is denied without prejudice as premature, and that execution on this Court's 2018 Order is suspended in accordance with the terms of the bonds executed by Mr. Barrett in 2019 and the terms of Va. Code § 8.01-676.1.

Mr. Barrett's motion for sanctions is withdrawn.

The Clerk will send a certified copy of this Order to Mr. Barrett, to all counsel, and to the Bankruptcy Trustee, Rosemary C. Crawford, Esq., Crawford

McDonald, LLC, P.O. Box 355, Allison Park, PA 15101. *And, the parties may submit objections to this order within 21 days.*

ENTER: This the 1st day of ~~July~~, 2019.

August



CIRCUIT COURT JUDGE